

IV. B. 4. Floodplains and Riparian Areas

- a) Background. The 1966 Executive Order 11296, “Flood Hazard Evaluation”, represented Presidential recognition that structural flood control measures alone were inadequate to stem rising flood losses. It was followed by establishment of flood insurance, disaster assistance, related Federal programs, and some State and local government floodplain management programs. Yet, a decade later, annual flood losses were estimated to approach \$3 billion and were continuing to rise.

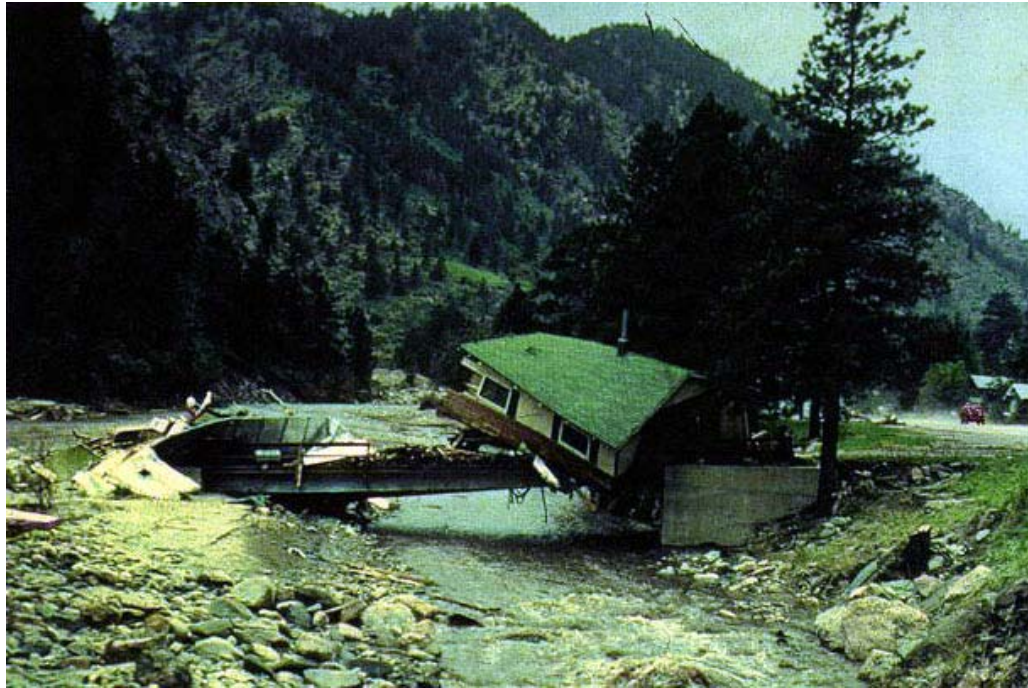
In the decade following Executive Order 11296 there developed widespread recognition that the natural and beneficial values of floodplains, wetlands, and coastal barrier islands must be restored and preserved. The establishment of the National Flood Insurance Program (NFIP) had in many instances fostered development in areas of potential flood hazard. The President, thus, on May 24, 1977 issued Executive Order 11988, “Floodplain Management”, to replace Executive Order 11296 and establish a new order which was a significant policy initiative tying together the need to protect lives and property with the need to restore and preserve natural and beneficial floodplain values.

The ultimate objective of Executive Order 11988 has been the establishment of a new rational protocol (termed the “Eight-Step Process”) for evaluating impacts to floodplains and riparian areas. A Federal agency is not permitted by the Executive Order to provide financial assistance to any action which would negatively impact such areas unless there is no practical alternative. Additionally and related, a Federal agency is not permitted by the Federal Emergency Management Agency (FEMA) overseen National Flood Insurance Program to entertain any such proposal unless the community to be affected is a participating member in the NFIP.

CASE STUDY: 1976 BIG THOMPSON CANYON FLOOD

At the end of July, 1976, 3,000 summer vacationers packed camps, hotels, and tents in Big Thompson Canyon for the Colorado Centennial weekend. It was the same weekend that a storm stalled over the area, turning the Big Thompson River into a deadly flood that raged through the canyon’s corridors. Early in the evening of July 31st a storm developed over the Rocky Mountains. Usually such storms move eastward, but this one stayed in place, dumping an average of four inches of rain over the entire canyon area in just four hours. Nearly a foot of rain fell on the canyon’s steep slopes, which absorbed little water.

By 7:30 p.m., mud and rockslides blocked Highway 34 and water was rising rapidly in the Big Thompson River. Eyewitnesses described a rapid rise in water levels, though at some places waves of debris gave the impression of a wall of water sweeping down the canyon. Normally only a few feet deep, the river is thought to have crested at 20-30 feet above flood stage in places and reached a destructive speed of up to 50 miles per hour along its center. A flash flood warning was issued at 11 p.m., but by that time it was too late.



At least 139 were killed and 88 more injured in the flood. It destroyed 316 homes, 45 mobile homes, and 52 businesses. This flash flood was the deadliest natural disaster in Colorado's history.

b) Governing Regulations.

- (1) U.S. Executive Order 11988, Floodplain Management.
- (2) U.S. Executive Order 11514, Protection and Enhancement of Environmental Quality.
- (3) U.S. Department of Agriculture, Departmental Regulation 9500-3, Land Use Policy.
- (4) Title 7, Part 1b and 1c, Code of Federal Regulations, U.S. Department of Agriculture's National Environmental Policy Act,
- (5) National Environmental Policy Act, 42 U.S.C. 4321.
- (6) Clean Water Act of 1972, as amended.
- (7) National Flood Insurance Reform Act of 1994.

- c) Policy. Rural Development shall not authorize, fund, or carry out any proposed action that would, directly or indirectly, (1) significantly sustain or increase the risk of flood loss and erosion; (2) significantly sustain or increase the impacts of floods in human safety, health, and welfare; (3) significantly compromise the preservation of natural flood control and other beneficial functions and values of floodplains and riparian zones; or (4) significantly sustain or increase the future need for expensive manmade flood-control systems, disaster-relief assistance, or Federal rehabilitation assistance in the event of flooding. The only exception to this policy shall be if the approving official determines that (1) there is no practice alternative to the proposed action and (2) the proposal includes all practicable measures for reducing the adverse impacts and the amount of conversion/encroachment.



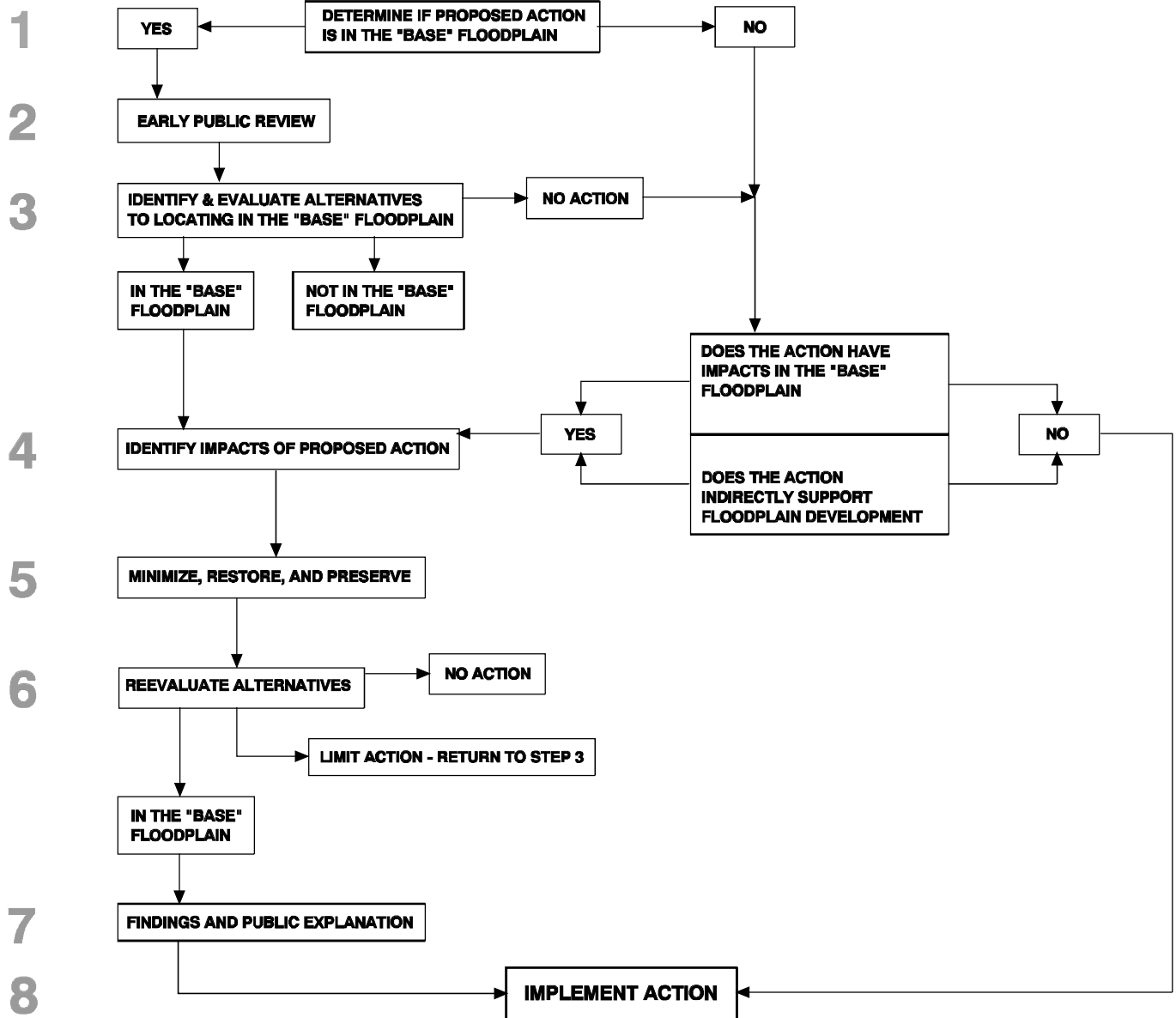
Whenever Rural Development considers providing financial assistance for an action which would be sited within a flood hazard area of concern (100-year floodplain in most cases or 500-year floodplain in the case of a “critical action”), the Executive Order 11988 “Eight-Step Process” will be undertaken unless it is determined by the environmental reviewer that the locational impact would be minor to the extent that the floodplain’s or riparian area’s natural values and functions would not be significantly affected.

The “Eight-Step Process” decision-tree is summarized as follows (per the U.S. Water Resources Council):



EIGHT-STEP DECISION-MAKING PROCESS FOR E.O. 11988

STEPS





- (1) Step 1: Determine if the proposed action is in the base (100-year or 500-year, whichever is pertinent) floodplain.

Yes: Go to Step 2.

No: Does the action have impacts in the base floodplain?

Yes: Go to Step 4.

No: Does the action indirectly support floodplain development?

Yes: Go to Step 4.

No: Go to Step 8.

- (2) Step 2: Early public review.

Publish the first public notice with a 30-day comment period day in accordance with Section h) of this Guide.

Go to Step 3.

- (3) Step 3: Identify and evaluate alternatives to locating in the base floodplain.

Consider the no-action alternative.

Yes: No action.

No: Go to Step 4.

Alternative still in base floodplain.

Go to Step 4.

Alternative no longer in base floodplain.

Does the action have impacts in the base floodplain?

Yes: Go to Step 4.

No: Does the action indirectly support floodplain development?

Yes: Go to Step 4.

No: Go to Step 8.

- (4) Step 4: Identify Impacts of the Proposed Action.

- (5) Step 5: Minimize, Restore, and Preserve.

- (6) Step 6: Re-evaluate Alternatives.



Consider the no action alternative.

Yes: No action.

No: Go to Step 3 or 7 (see below).

Consider limiting the action to permit consideration of new sites.

Return to Step 3.

Action still in the base floodplain.

Go to Step 7.

(7) Step 7: Findings and public explanation.

Publish the final public notice with a 15-day in accordance with Section h) of this Guide.

(8) Step 8: Implement action.

Additional guidance on the “Eight-Step Process” is contained in the U.S. Water Resources Council publication, *“Floodplain Management Guidelines for Implementing E.O. 11988”*, available from the State Environmental Coordinator.

National Flood Insurance Program requirements placed on federal agencies obligate applicants for financial assistance to obtain flood insurance as a precondition to the approval of a loan or grant. Rural Development may provide financial assistance to applicants buying an existing property located in the “base” floodplain in a NFIP participating community provided (1) the first floor elevation is above the base flood elevation (via engineer verification) and (2) all life-support (i.e. electrical, natural gas, heating, etc.) components are adequately protecting from flood damage (i.e. raised above flood levels. Rural Development may not provide such assistance in cases where NFIP flood insurance is not obtainable such as in a community whose NFIP status has been suspended. Reference a further discussion regarding the FEMA *“Community Status Book”* in Section d) (2) below.

The National Flood Insurance Reform Act of 1994 (NFIRA) tightened up Federal requirements regarding the NFIP and required FEMA to develop a *“Standard Flood Hazard Determination Form”* (SFHDF) to document that an adequate site evaluation was being accomplished with respect to National Flood Insurance concerns. NFIRA) also required Federal entities, such as Rural Development, to develop regulations to implement the use of SFHDFs. Current guidance from National Office requires the use of the SFHDF as follows:

Direct loans and grants: The SFHDF should be used when direct loans or grants will be used to acquire, construct, or rehabilitate a building, including a manufactured home. The term, “building”, means a walled and roofed structure,

other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, and a walled and roofed structure while in the course of construction, alteration, or repair. Underground utility lines and underground pumping stations are not considered “buildings”. The SFHDF should also be completed by the loan official responsible for preparing the environmental review of the proposal. Printed copies may be ordered from the Finance Office. A SFHDF should also be completed by the intermediary when an intermediary, using Agency funds, makes a loan or grant to a third party. The completed SFHDF should be attached to the appropriate environmental review document upon the completion of that document.

Guaranteed loans: Since use of the SFHDF was mandated by the Federal entities for lending regulation effective January 2, 1996, guaranteed lenders should submit a completed SFHDF as part of all requests for guaranteed financial assistance, if the financial assistance is for a “building” as described earlier. The completed SFHDF should be attached to the appropriate environmental review document upon the completion of that document.

Reference RD An No. 3538 (426.2), “*Use of FEMA Form 81-93, Standard Flood Hazard Determination*”, for further information in this regard.

Rural Development funded new construction and substantial improvements in flood hazard areas must also comply with all requirements and standards of local building, zoning, and planning entities. Normally, in accordance with NFIP criteria, such directives would restrict any new construction or substantial improvement in a FEMA designated special flood hazard area unless there were no practicable alternative.

Flood insurance should be viewed as a financial mitigation measure to be exercised only after Rural Development has determined that there is no practical alternative to impacting the floodplain after accomplishing the “Eight-Step” analytical process.

d) Classification.

(1) Flood event and “Base Floodplain”.

- (a) 100-year floodplain: a one percent chance flood or base flood. A flood of magnitude that occurs once every 100 years on the average. Within any one-year period there is one chance in 100 of the occurrence of such a flood. Most importantly, however, the cumulative risk of flooding increases with time. Statistically, there is about one chance in five that a flood of this magnitude will occur within a 20-year period, the length of time commonly defined as the useful life of a facility. Over a thirty-year period, the life of a typical mortgage, the probability of such a flood occurring increases to greater than one chance in four.



- (b) 500-year floodplain: a 0.2 percent chance flood. A flood of a magnitude that occurs once every 500 years on the average. Within any one-year period there is one chance in 500 of the occurrence of such a flood. As with the one percent chance flood, the cumulative risk of this flood occurring also increases with time. The 500-year flood is pertinent to Rural Development funded actions termed, "critical actions", which include the following categories:
 - (I) Those facilities which produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials.
 - (II) Schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events.
 - (III) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events.
 - (IV) Multi-family housing facilities designed primarily (over 50 percent) for persons with disabilities.

- (2) National Flood Insurance Program. (NFIP) community status.

The current NFIP status of communities may be accessed directly from FEMA at the following web-site (in Adobe "Acrobat" format) which is updated on a daily basis:

<http://www.fema.gov/csb/pdf>

- (a) NFIP participating community. Rural Development can provide financial assistance for a proposed action located within the community provided Instruction 1940-G, Exhibit C, procedures are followed.
 - (b) NFIP non-participating community. Rural Development cannot provide financial assistance for a proposed action located within the community.
- (3) NFIP map status.
 - (a) NFIP map for a participating community: Rural Development should review the map information and query the regional FEMA office or the community where the action would be located whether or not there are more recent map amendments.
 - (b) Letter of Map Amendment (LOMA) for a participating community: The result of an administrative procedure where FEMA reviews engineering analysis submitted by a landowner and amends the current NFIP prior to

revision/republication of the map. Rural Development should query the regional FEMA office or the community where the action would be located whether or not there are any LOMAs which would affect the action.

- (c) Letter of Map Revision (LOMR) for a participating community: The result of an administrative procedure where FEMA reviews engineering analysis submitted by a NFIP participating community and amends the current NFIP prior to revision/republication of the map. Rural Development should query the regional FEMA office or the community where the action would be located whether or not there are any LOMRs which would affect the action.
 - (d) Engineering analysis available for NFIP participating community but not adopted by NFIP: Rural Development should advise the applicant for financial assistance that the option is available to pursue either a LOMA or LOMR through FEMA and/or the local community.
 - (e) Engineering analysis available for NFIP non-participating community: Rural Development should advise the applicant for financial assistance that the option is available to pursue persuading the local community to join the National Flood Insurance Program and obtain a LOMR through FEMA.
- (4) NFIP map and study resources.
- (a) Flood Hazard Boundary Map (FHBM). This is the most basic type of NFIP map, indicating only the floodplain boundary.
 - (b) Flood Boundary and Floodway Map (FBFM). This is another basic NFIP map type, indicating only the floodway and floodplain boundaries.



- (c) Flood Insurance Rate Map (FIRM). This is the most detailed NFIP map type, indicating the floodway and a variety of floodplain boundaries as well as reference points. Following are flood zones which are delineated on FIRMs:



- (I) Floodway in Zone AE.
 - (II) Special flood hazard areas inundated by the 100-year flood.
 - (A) Zone A. No base flood elevations have determined.
 - (B) Zone AE. Base flood elevations determined.
 - (C) Zone A1-30. Base flood elevations determined.
 - (D) Zone AO. Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
 - (E) Zone AH. Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
 - (F) Zone A99. To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.
 - (III) Moderate flood hazard areas. Areas within the 500-year event.
 - (A) Zone B.
 - (B) Zone X. Areas of lesser flood hazard.
 - (IV) Minimal flood hazard areas. Areas outside the 500-year event.
 - (A) Zone C. Areas of lesser flood hazard.
 - (B) Zone X. Areas of lesser flood hazard.
 - (V) Undetermined flood hazard areas.
 - (A) Zone D. Magnitude of the flood hazard has not been determined.
- (d) Flood Hazard Study (FHS). This is the most comprehensive narrative and mapping analysis available from FEMA and it includes cross-sectional profiles along floodways.
- e) Agency jurisdiction. The Federal Emergency Management Agency is the key player in the implementation of Executive Order 11988 and the National Flood Insurance Program. Rural Development coordination with other expert agencies is not specifically required but strongly advised. The main reason is that NFIP maps are not revised daily and may not reflect current



events. This further emphasizes the need for Rural Development to consult the regional FEMA office, local communities, and applicants about the existence of LOMAs and LOMRs. Also, some other agencies listed below also deal with flood hazard mitigation issues and maintain information which may not be available on FEMA maps.

Following are expert agency contacts:

- (1) Federal Emergency Management Agency. This agency oversees implementation of Executive Order 11988, and maintains a large database of flood information for communities participating in the National Flood Insurance Program.

Federal Emergency Management Agency
Region VIII Office
Mitigation Office
Denver Federal Center
Building 710
Box 25267
Denver, CO 80225-0267.

Contact: Fred Metzler, (303) 235-4835

<http://166.112.200.140/Reg-VIII/index.htm>

- (2) U.S. Army Corps of Engineers (COE). This agency maintains considerable flood information for areas along major drainageways where it designs and constructs flood control projects. Contact the District Office for the appropriate river basin in the State:

- (a) Platte River Basin to the Continental Divide.

U.S. Army Corps of Engineers
Omaha District
Tri-Lakes Project Office
9307 State Highway 121
Littleton, Colorado 80128-6901

Contact: Tim Carey, (303) 979-4120

<http://www.now.usace.army.mil/>



- (b) Rio Grande Basin and Arkansas River Basin to the Continental Divide.

U.S. Army Corps of Engineers
Albuquerque District
Environmental Resources Branch
4101 Jefferson Plaza, N.E.
Albuquerque, New Mexico 87109-3435

Contact: Mark Harberg, (505) 342-3351

<http://www.spa.usace.army.mil/>

- (c) Colorado River Basin to the Continental Divide.

U.S. Army Corps of Engineers
Sacramento District
Environmental Division
1325 J. Street
Sacramento, California 95814

Contact: Sheri Bone, (916) 557-5100

<http://www.spk.usace.army.mil/>

- (c) Kansas River Basin in eastern Colorado (i.e. Bonny Reservoir vicinity).

U.S. Army Corps of Engineers
Kansas City District
Environmental Division
601 East 12 Street
Room 610
Kansas City, Missouri 64106

Contact: Lee Fuerst, (816-983-3915

<http://www.nwk.usace.army.mil/>



- (3) Natural Resource Conservation Service (NRCS). This USDA agency maintains a database of flood information relating to flood control projects with which it becomes involved.

Natural Resource Conservation Service
Colorado State Office
Hydrology
655 Parfet Street
Room E200c
Lakewood, Colorado 80215

Contact: Duc Phung, Hydrologist, (303) 236-2886, ext. 259

<http://www.co.nrcs.usda.gov/>

- (4) Colorado Water Conservation Board (CWCB). This agency maintains a database of flood information for areas within Colorado.

Colorado Water Conservation Board
1313 Sherman Street
Room 721
Denver, Colorado 80203

Contact: Larry Lang, (303) 866-3441

<http://www.dnr.state.co.us/cwcb/>

- f) Location of Resource. The most complete inventory of floodplain mapping is published by FEMA which contracts with COE, NRCS, and other organizations to perform the background work for the NFIP maps and studies. Rural Development offices should strive to maintain up-to-date NFIP maps. This can be most effectively accomplished by dealing directly with the FEMA National Flood Map Distribution Center from which maps can be ordered either by telephone or by mail and from which an updated listing of maps available within an office's jurisdiction can be obtained:

Federal Emergency Management Agency
National Flood Insurance Program
Map Service Center
P.O. Box 1038
Jessup, Maryland 20794-1038

1-800-358-9616

<http://www.fema.gov/MSM/contact.htm>



Additional information may be obtained from the COE, NRCS, and CWCBC offices listed earlier.

Storm drainage analyses may be individually contracted by applicants when necessary to support the development of projects. . These may be submitted to FEMA for review and approval under the LOMA process discussed above.

g) Definitions.

- (a) Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.
- (b) Floodplain. The lowland and relatively flat area adjoining a lake, river, stream, or seacoast which is prone to periodic flooding.
- (c) Riparian area. Floodplain and wetland areas along streams and rivers which commonly support an abundance of wildlife.
- (d) Wetland. A zone of transition between a body of water and dry land that is regularly inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands typically include swamps, marshes, bogs, and similar areas.

h) Model Documents. The following exhibits have been developed to serve as guides for accomplishing the Executive Order 11988 "Eight-Step Process" private party and public notice requirements as well as tap restriction resolution mitigation provisions in the case of utility expansion projects:



(1) **Private Party Notification of the Hazards of Locating Structures in Floodplains or Wetlands:**

<date>

TO: <1>
 <2>

SUBJECT: Notification of the Hazards of Locating Structures in a <4>.

Dear <1> :

Notice is hereby given by <1> that the project for <3>, for which USDA financial assistance has been requested, and with which you are associated, contains elements located within a <4>. It is the responsibility of USDA to inform you of the hazards associated with locating structures in a <4>. These hazards include, but are not limited to: <5>.

Flood insurance <6> be required as a condition of loan closing. Should you have any questions regarding this notice, please contact us at <7>.

Sincerely,

<8>

Key to Inserts:

- <1> Name of applicant, purchaser, or borrower.
- <2> Address of applicant, purchaser, or borrower.
- <3> Name of applicant.
- <4> 100-year floodplain, 500-year floodplain (critical actions only), or wetland.
- <5> Include examples applicable to the project, i.e., damage to or loss of real property, personal property, or other assets.



<6> Will or will not.

<7> Telephone number of USDA applicant, purchaser, or borrower.

<8> Name and title of preparer of this notice.



(2) **USDA Notification to the Lender of a USDA Guaranteed Loan Regarding the Private Party Notification Requirement of the Hazards of Locating Structures in a Floodplain:**

<date>

TO: <1>
 <2>

SUBJECT: Notification of the Hazards of Locating Structures in a <3>

Dear <1>:

Notice is hereby given by the U.S. Department of Agriculture (USDA) that the project for <4> for which an USDA guarantee has been requested contains elements located within a <3>. It is the responsibility of USDA to inform you of the hazards associated with locating structures in a <3>. These hazards include, but are not limited to: <5>.

You are further advised that you will be required to provide a notice of these hazards to the applicant, purchaser, or other provider of financial assistance in connection with this project as a condition of the loan guarantee.

Flood insurance <6> be required as a condition of your loan closing. Should you have any questions regarding this notice, please do not hesitate to contact me at <7>.

Sincerely,

<8>

Key to Inserts:

<1> Name of lender.

<2> Address of lender.

<3> 100-year floodplain, 500-year floodplain (critical actions only), or wetland.



- <4> Name of applicant.
- <5> Include examples applicable to the project, i.e., damage to or loss of real property, personal property, or other assets.
- <6> Will or will not.
- <7> Telephone number of preparer of environmental documentation.
- <8> Name and title of preparer of environmental documentation.



(3) **Preliminary Public Notification of a Possible Impact to Floodplain Resources:**

The U.S. Department of Agriculture is considering <1>, sponsored by <2>.
The specific elements of this proposed action are <3>.

If implemented, the proposed action would <4>. The purpose of this notice is to inform the public of this possible result and to request comments concerning (a) the impacts of the proposed location on <5>; (b) alternative sites or actions that would avoid these impacts; and (c) methods that could be used to reduce these impacts.

The proposed action is available for review at <6>.

Any person interested in commenting on the proposed action may do so by sending such comments within 30 days following the date of this publication to <7>.

A general location map of the proposed action is shown below.

Key to Inserts:

- <1> (a) preapplication/application for financial assistance, (b) request for subdivision approval, or (c) disposal of inventory property.
- <2> Name of applicant.
- <3> Description and location(s) of the basic components of the proposed action, such as name of town or direction and number of miles from nearest town. If more than one action and/or location, each must be described.
- <4> (a) Directly or indirectly convert ____ acres of important farmland/prime rangeland/prime forest land; (b) convert or impact ____ acres of floodplain/wetland; and/or (c) be incompatible with State, local government, or private programs and policies to protect farmland.
- <5> Affected important land resource (100-year floodplain, 500-year floodplain, wetland, important farmland, prime forest land, and/or prime rangeland).
- <6> Address of the USDA office having jurisdiction over the area of the proposed project.
- <7> Address of the environmental reviewer.
- ----



(4) **USDA Letter Notifying Applicants/Borrowers of the Requirement to Publish a Preliminary Public Notification and Accomplish Private Party Notifications of Possible Impacts to Floodplains:**

<date>

TO: <1>
<2>

SUBJECT: Preliminary Notification of Possible Impact to a <3>

Dear <4>:

The U.S. Department of Agriculture (USDA) has initiated its environmental review of the project proposed by <1>. We have determined that the project may have a potential impact on a <3>.

Before the environmental review can be completed, the USDA is requiring the applicant to publish a *"Preliminary Notification of Possible Impact to a <3>"* (copy attached) in a newspaper of general circulation in the vicinity of the proposed project and in a local or community-oriented newspaper in the project area. The notice must be published in easily readable type (display advertisement format) for three consecutive days in a daily newspaper or for two consecutive issues if in other than a daily newspaper. The notice should not appear in either the legal notice or in the classified advertisement sections of the newspaper. In addition, the applicant must send individual copies of the notice to all agencies and individuals on the attached list. It is the responsibility of <1> to make the necessary arrangements to publish and distribute the attached notice.

The applicant must further forward a copy of this notice to all property owners located within the project's area of influence who own property in or adjacent to the flood hazard areas of concern (the 100-year and 500-year floodplains).

As soon as possible after publication of the notice, but not later than 30 days following its final date of publication, you must provide us with a copy of the notice as it appeared in the newspaper; the names of the newspaper(s) in which the notice was published; an affidavit of publication; and a list of all parties receiving an individual copy of the notice.



If you have any questions, please contact me at <7>.

Sincerely,

<6>

<8>

Attachments: 1. Preliminary Notification of Possible Impact to a <3>.
2. List of agencies and individuals receiving copies of the notification.

Key to Inserts:

<1> Name of Applicant

<2> Address of Applicant

<3> Affected important land resource (floodplain and/or wetland).

<4> Name of chief executive officer of applicant.

<5> Type of project (water system, library, housing, etc.)

<6> Name of environmental reviewer.

<7> Telephone number of environmental reviewer.

<8> Title of preparer of environmental reviewer.



(5) **Final Notification of the Finding of No Practicable Alternative to a Floodplain and/or Wetland Impact or Combined Final Notification of the Finding of No Practicable Alternative to a Floodplain and/or Wetland Impact and Finding of No Significant Impact to the Environment:**

The U.S. Department of Agriculture (USDA) has received a <1> from <2>. The specific elements of this proposed action are <3>.

<4>.

The USDA has assessed the potential environmental impacts of this proposed action and has determined that the location(s) of the <5> would impact <6>. The USDA has also determined that there is no practicable alternative to avoiding this impact. The basis of this determination is summarized, as follows:

<7>

<8>

<9>

<10>

<11>

*The USDA has further determined that this proposed action will not significantly affect the quality of the human environment. Therefore, the USDA will not prepare an environmental impact statement for this proposed action.

Any written comments regarding this determination should be provided within fifteen (15) days of this publication to <12>. USDA will make no further decisions regarding this proposed action during this fifteen-day period. Requests to receive a copy of, or to review the USDA environmental assessment upon which this determination is based should be directed to <13>.

A general location map is shown below.

Key to Inserts:

<1> (a) Preapplication/application for financial assistance or (b) disposal of inventory property.



- <2> Name of applicant.
- <3> Description of proposed action's basic components and their location(s) to include general information, such as name of town or direction and number of miles from nearest town. If more than one action and/or location is involved, each must be described.
- <4> If for financial assistance, the proposed amount of USDA financing and the total project cost.
- <5> Elements of the proposed action (water line, parking lot, septic system, etc.)
- <6> 100- or 500-year floodplain, or wetland.
- <7> Description of the floodplain or wetland impacts.
- <8> Statement of reasons why the proposed action must be located in the floodplain or wetland and the significant facts considered in making this determination.
- <9> Statement identifying and specifying that all practicable mitigation measures have been agreed to by the applicant.
- <10> Statement indicating whether the proposed action conforms to applicable State or local floodplain standards.
- <11> Statement indicating any other participating agencies.
- <12> Name, title and address of the USDA approving official.

*Used for Rural Housing Service and Rural Business-Cooperative Service projects that have undergone a Class II level environmental assessment (or for Rural Utilities Service projects that have undergone an environmental assessment) and have been determined not to need an environmental impact statement. The first paragraph should be modified accordingly if the proposed action is the disposal of real property.



(6) **Letter for Notifying Applicants/Borrowers of the Requirement to Publish a Final Notice, a Combined Final Notice and Finding of No Significant Impact, or a Finding of No Significant Impact:**

<date>

TO: <1>
<2>

SUBJECT: Finding of No Significant Environmental Impact:

Dear <3>:

*The U.S. Department of Agriculture (USDA) has completed an environmental assessment on the project proposed by <1>. The USDA has determined that this proposed action will not significantly affect the quality of the human environment.

Before further consideration can be given to your project, the USDA is requiring that the applicant publish a "Finding of No Significant Environmental Impact" (FONSI) (copy attached) in a newspaper of general circulation in the vicinity of the proposed project and in a local or community-oriented newspaper in the project area. The notice must be published in easily readable type (display advertisement format) for three consecutive days in a daily newspaper or for two consecutive issues if in other than a daily newspaper. The notice should not appear in either the legal notice or in the classified sections of the newspaper. In addition, the applicant must send individual copies of the notice to the agencies and individuals on the attached list. It is the responsibility of <1> to make the necessary arrangements to publish and distribute the attached notice.

As soon as possible after publication of the notice, but not later than fifteen (15) days following its final publication, you must provide us with a copy of the notice as it appeared in the newspaper, the name(s) of the newspapers in which the notice was published, a affidavit of publication, and a list of all parties receiving an individual copy of the notice.



If you have any questions, please contact me at <6>.

Sincerely,

<5>

<7>

Attachments: 1. Finding of No Significant Environmental Impact.
2. List of agencies and individuals receiving copies of the notice.

Key to Inserts:

<1> Name of applicant.

<2> Address of applicant.

<3> Chief executive officer of applicant.

<4> Type of project (water system, library, housing, etc.).

<5> Name of environmental reviewer.

<6> Telephone number of environmental reviewer.

<7> Title of environmental reviewer.

*Used for Rural Development Class II Actions that have undergone an environmental assessment and have been determined not to need an environmental impact statement. The first paragraph should be modified accordingly if the proposed action is the disposal of real property.



i) Other References.

(1) Federal Emergency Management Agency

(Home page web-site)

<http://www.fema.gov>

(2) USDA/RUS Environmental Programs Library

(Full text of Executive Order 11988)

<http://www.usda.gov/rus/water/ees/toc.htm#Orders>

(3) *"Protecting Your Home from Flood Damage"*

(Brief narrative @ FEMA web-site)

<http://www.fema.gov/NWZ97/prothom.htm>

(4) *"Locate a Flood Insurance Provider in Your Area"*

(Interactive web-site which displays companies by State)

<http://www.fema.gov/cgi-shl/dbml.exe?action=query&template=/insurance/companies.dbm>

(5) *"ESRI and FEMA Project Impact Hazard Information and Awareness"*

(Interactive web-site which displays several hazards at different scales)

<http://www.esri.com/hazards/makemap.html>